

J6AACHEOps

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 CHEVRON CORPORATION,

4 Plaintiff,

5 v.

11 Civ. 691 (LAK)

6 STEVEN DONZIGER, et al.,

7 Defendants.

Oral Argument

8  
9 New York, N.Y.  
10 June 10, 2019  
11 10:10 a.m.

12 Before:

13 HON. LEWIS A. KAPLAN,

14 District Judge

15 APPEARANCES

16 GIBSON, DUNN & CRUTCHER, LLP

17 Attorneys for plaintiff

18 BY: RANDY M. MASTRO, ESQ.

ANDREA NEUMAN, ESQ.

19 WILLIAM E. THOMSON, ESQ.

ANNE MARIE CHAMPION, ESQ.

20 HERBERT J. STERN, ESQ.

21 STEVEN R. DONZIGER

Defendant Pro Se

22 Also Present: Andrew R. Romero-Delmastro, Esq.  
23 Supervising Counsel  
24 Chevron Corporation  
25

J6AACHEOps

(Case called)

THE CLERK: Plaintiff, are you ready?

MR. MASTRO: Yes, your Honor.

THE COURT: Mr. Mastro.

MR. MASTRO: Good to see you, your Honor.

THE CLERK: Defendant, are you ready?

MR. DONZIGER: I am.

THE COURT: Thank you. Please be seated.

Good morning.

The purpose of this hearing is to resolve any disputes there may be concerning whether Mr. Donziger has purged any of the contempts for which coercive fines have been imposed. Where do we stand as far as Chevron is concerned?

MR. MASTRO: Your Honor, Mr. Donziger has not complied with either the contempt issues relating to paragraph 4 or paragraph 5. While there has been some measure of response on paragraph 4 compliance, my colleague/partner Andrea Neuman will address the ways in which Mr. Donziger has failed to purge himself of the contempt on paragraph 4. And then, your Honor, as your Honor knows, there are certain procedural issues relating to paragraph 5 and Mr. Donziger's pending motion to, quote/unquote, vacate. But I would be prepared to address some of those questions after Ms. Neuman addresses the outstanding issues on paragraph 4.

THE COURT: Well, I think the appropriate course is

J6AACHEOps

1 probably, since Mr. Donziger claims he has at least in some  
2 respects purged himself of contempt, for him to go forward and  
3 present evidence to that effect.

4 MR. MASTRO: Certainly, your Honor. And, again, your  
5 Honor, we're not saying that there's been no response by  
6 Mr. Donziger in connection with paragraph 4 compliance, but  
7 we're prepared to explain the ways in which we believe he has  
8 not fully complied.

9 THE COURT: I understand.

10 MR. MASTRO: Thank you, your Honor.

11 THE COURT: All right. Mr. Donziger.

12 MR. DONZIGER: May I step over to the lectern?

13 THE COURT: Yes.

14 MR. DONZIGER: Your Honor, just to note at the outset,  
15 I got a pretty hefty motion and affidavit from Chevron's  
16 counsel late Friday. It raises issues --

17 THE COURT: I don't believe I did.

18 MR. DONZIGER: You didn't?

19 THE COURT: What are you talking about?

20 MR. DONZIGER: They filed a, I guess a statement to  
21 help you or assist you during this hearing on late Friday, with  
22 new information.

23 THE COURT: Of course. I have that. But that's not a  
24 motion.

25 MR. DONZIGER: I mean, whatever it is. A statement.

J6AACHEOps

1 That included a lot of exhibits, affidavit. The  
2 bottom line is, I'm here Monday morning. I have not even had a  
3 business day to sort of process that or do work based on that.

4 I'll say this about my compliance. I believe I am in  
5 compliance of your Honor's wishes with regard to contempt.  
6 There's no dispute over the assignment. I have now executed  
7 three assignments to Chevron.

8 With regard to paragraph 4, I stand by my declaration,  
9 that I've sent to Chevron. I sent an original declaration.  
10 Chevron raised issues about that declaration. I then revised  
11 the declaration, sent it to Chevron as a draft, to work with  
12 Chevron to try to figure out how to get that declaration  
13 complete. And I feel very ambushed by this massive amount of  
14 information that they obviously have gathered through the  
15 subpoena process with regard to my devices I didn't know about.

16 THE COURT: Mr. Donziger, there is no massive amount  
17 of information. You got it several days before I did. I got  
18 it this morning.

19 MR. DONZIGER: I got it on Friday afternoon.

20 THE COURT: Yes. That's what I'm referring to. And  
21 it has three, six, nine, eleven exhibits. The first two are  
22 the two affidavits that you wrote, with which you are  
23 presumably familiar. The third is a letter to you from  
24 Chevron, or from Gibson Dunn, dated June 5th, with which you  
25 are presumably familiar. The fourth is a letter by you to

J6AACHEOps

1 Mr. Krehel dated June 5th, with which you are presumably  
2 familiar. The fifth is something from Apple. It's a massive  
3 document of about four pages. The sixth is a couple of pages  
4 of a transcript from a deposition at which you were present on  
5 June 6th. Exhibit G is a few pages of listings from AT&T.  
6 Exhibit H are 12- and 14-year-old e-mails to and from you,  
7 which, if memory serves me, were exhibits at trial five years  
8 ago. Exhibit I seems to be a copy of your listing on some  
9 website. It's about three pages. Exhibit J is essentially the  
10 same sort of thing. And Exhibit A is a listing of the dates  
11 and times of something like eight or nine chat messages that  
12 occurred 12 years ago. This is not massive information.

13 OK. Let's go from there.

14 MR. DONZIGER: I respectfully disagree for this  
15 reason: If you look at their statements, they claim that they  
16 have records from AT&T saying I have -- there's up to 18  
17 devices.

18 THE COURT: Look, Mr. Donziger, this is very simple.  
19 I am here to take evidence. You have a position on the facts.  
20 They have a position on the facts. I've read what they've  
21 said. I have the documents in front of me. I think if your  
22 position is that you have complied fully with paragraph 4, or  
23 anything else, though I understand there is no dispute about  
24 the assignments, you should get on the witness stand and give  
25 such testimony under oath as you care to give and be

J6AACHEOps

1 cross-examined about it.

2 MR. DONZIGER: I'm happy to do that, once I have a  
3 chance to do due diligence based on what they filed on Friday.  
4 I mean, it's very unfair to me, sir, to call me into court on  
5 Monday morning based on this massive amount of information.  
6 They're a major law firm backed by a big oil company. I work  
7 alone out of my apartment. OK. I don't have resources to hire  
8 tech people to go investigate all the evidence they put forth.  
9 I'm happy to be as cooperative as I can. I will restate here,  
10 today, right now, that, for years, I have used two devices.  
11 And I identified those in my affidavit.

12 THE COURT: Mr. Donziger, I am not interested in  
13 rhetorical statements from the lectern. If you have facts to  
14 put forward, you're welcome to put them forward, under oath,  
15 now, on the witness stand.

16 MR. DONZIGER: I don't -- I'm not ready to do that,  
17 sir. I would ask for time to develop information. This is my  
18 question to you, and I would respectfully ask you to  
19 accommodate me.

20 THE COURT: Denied.

21 MR. DONZIGER: I'll make my record. I was going to  
22 ask you for a few days to work with Chevron to revise my  
23 declaration such that I would not be in compliance. But the  
24 real issue --

25 THE COURT: You asked me for that last week and I

J6AACHEOps

1 denied it last week.

2 MR. DONZIGER: I didn't get this information, sir,  
3 until Friday.

4 THE COURT: Mr. Donziger, do you understand what the  
5 word "denied" means?

6 MR. DONZIGER: OK. So what do you want me to do at  
7 this point? I'm not prepared to put in evidence saying I have  
8 no evidence. I need to revise my declaration to make sure I  
9 know the information I can present to the Court.

10 THE COURT: Anything that you want to present that is  
11 within your ken you are welcome to present now, from the  
12 witness stand.

13 MR. DONZIGER: I just told you, I am not prepared to  
14 do that today. That's, to me, that's very unfair, sir. Can I  
15 have a few days to develop evidence and then we can -- I can  
16 put it under oath, put it in a declaration. If it's necessary  
17 to be cross-examined, I'll come back.

18 THE COURT: In other words, what you say from the  
19 lectern you are not prepared to say on the witness stand. Is  
20 that right?

21 MR. DONZIGER: That's not true. I have a draft  
22 affidavit that I sent in good faith to Chevron to work with  
23 them to get in compliance. I intend to get in compliance on  
24 paragraph 4.

25 THE COURT: What about paragraph 5?

J6AACHEOps

1           MR. DONZIGER: That's a separate issue. My position  
2 on that, as I've stated for months now, is, it implicates core  
3 constitutional rights for me and many people associated with  
4 this case. If you really look at what would happen under your  
5 protocol, which I've expressed deep problems with in the letter  
6 to Mr. Krehel, Chevron will get access to all sorts of  
7 privileged information, including my conversations with  
8 counsel, for example, from my bar proceeding, conversations  
9 with counsel in Canada who is enforcing the equitable judgment  
10 against Chevron in Canada. And I don't feel like I, as a  
11 private citizen -- obviously I'm no longer a lawyer because  
12 I've been suspended, and I'm contesting that, as you know --  
13 but as a private citizen, I retain constitutional rights. And  
14 if I were to do that, it would completely moot out my ability  
15 to vindicate my constitutional rights, would essentially for  
16 all intents and purposes moot the appeal.

17           So what I would ask is, when you resolve the motion --  
18 I'm filing something tomorrow morning, as you know -- if you  
19 deny the motion to vacate, I intend to move for a stay before  
20 your Honor to block the imposition of whatever coercive fines  
21 would apply to paragraph 5. You know, I believe that I'm in  
22 compliance with paragraph 4, or can get in compliance, and I  
23 intend to. With regard to paragraph 5, I believe the Court,  
24 given the motion to vacate and given my briefing, does not have  
25 jurisdiction to impose any sort of fine on that, or any sort of

J6AACHEOps

1 sanction on that, given there's been no contempt finding on the  
2 additional order, and my appeal was already filed prior to its  
3 issuance.

4 THE COURT: I know what your position is. You've  
5 repeated it any number of times. And I'll await your reply to  
6 Chevron's brief tomorrow, and I'll rule on it. I don't think  
7 you'll have to wait long, although you may surprise me.

8 MR. DONZIGER: Can I raise another issue?

9 THE COURT: What?

10 MR. DONZIGER: I'm concerned about a broader thing  
11 going on here, which is this. If you sort of look at the  
12 discovery that you, this Court, have authorized Chevron to  
13 engage in, which has now gone on for many months -- it's  
14 implicated a lot people, including just last week my wife, my  
15 brother-in-law, bank accounts associated with my son -- and you  
16 combine that with the order to turn over my devices, I believe  
17 I will no longer have any minimal space in which to conduct my  
18 affairs as an advocate or a lawyer on this case. Obviously I'm  
19 not a lawyer at this moment, but I have been up until July of  
20 last year.

21 And you say in your contempt findings of May 23rd that  
22 I have a right to work on the Lago Agrio case. You've always  
23 said that, back from the RICO judgment and beyond. I don't  
24 know anymore what, in your mind, is permissible for me to do or  
25 not do on this case. It's very confusing to me and I feel

J6AACHEOps

1 really switched up. The judgment you imposed on me of  
2 \$666,000, I felt like I was acting that entire period of time  
3 with compliance with your --

4 THE COURT: Mr. Donziger, I'm sorry. This hearing was  
5 convened for a particular purpose. It is not an opportunity  
6 for you to make, all over again, every complaint you've been --

7  
8 What is that sound, ma'am? Is that your phone?

9 MR. ROMERO-DELMASTRO: I apologize. I didn't realize  
10 my watch is --

11 THE COURT: Your watch. OK.

12 This is not an opportunity for you to make all your  
13 complaints all over again, for the benefit of whoever came in  
14 here. We're done. You're either going to take the stand or  
15 you're not going to take the stand. And whatever flows from  
16 that flows from that.

17 MR. DONZIGER: OK. I just want to be clear I'm  
18 willing to take the stand once I have a chance to get  
19 information that would be useful to the Court.

20 THE COURT: This was called for this date. You asked  
21 for an adjournment previously. I am convinced, in part, what  
22 is going on here is simply stalling. And I'm not going to put  
23 up with it anymore.

24 MR. DONZIGER: Sir, respectfully, I'm not stalling.  
25 OK.

J6AACHEOps

1 THE COURT: Well --

2 MR. DONZIGER: I want to mention this point because  
3 it's important.

4 THE COURT: Well, you may want to mention it, but I'm  
5 not interested in hearing it.

6 MR. DONZIGER: May I please speak? It will take all  
7 of 15 seconds.

8 THE COURT: You have 15 seconds.

9 MR. DONZIGER: All right. I really feel like this  
10 issue was ripe for decision by your Honor over a year ago when  
11 I filed my motion to dismiss their original contempt findings.  
12 They found nothing in discovery related to me selling my own  
13 shares for money. Zero, after 13 months.

14 THE COURT: I've heard this over and over again. I'm  
15 not listening anymore.

16 MR. DONZIGER: So to be accused of stalling, when I  
17 have asked --

18 THE COURT: Mr. Donziger --

19 MR. DONZIGER: -- for a decision I don't think is  
20 fair.

21 THE COURT: Mr. Donziger, that's the way it goes. We  
22 have a court of appeals. Maybe you'll do just as well there as  
23 you hope, and maybe you won't. There we are. That's it.

24 MR. DONZIGER: May I ask the Court a question.

25 THE COURT: You can ask, but I don't sit here to

J6AACHEOps

1 answer questions.

2 MR. DONZIGER: As you know, there's a pending action  
3 to enforce the equitable judgment in Canada. You say in your  
4 decision that I'm allowed to work on the Lago Agrio case. In  
5 your mind, does that include being able to assist counsel in  
6 Canada with my pretty vast institutional knowledge about this  
7 case?

8 THE COURT: I don't give advisory opinions,  
9 Mr. Donziger.

10 MR. DONZIGER: Thank you.

11 THE COURT: Ms. Neuman.

12 MS. NEUMAN: Thank you, your Honor. We prepared a  
13 small handful of slides that we thought would be helpful to the  
14 Court to discuss the deficiencies.

15 THE COURT: Slides that are different from what you  
16 put in, than what I received this morning?

17 MS. NEUMAN: The slides are based Ms. Champion's  
18 declaration Exhibits E and G and one additional exhibit that's  
19 six pages that we brought with us that we found in the AT&T  
20 records that was marked at Ms. Miller's deposition on Wednesday  
21 as Exhibit 5969.

22 THE COURT: I don't think I need any of that.  
23 Your memorandum of, I think it's June 7th --

24 MS. NEUMAN: Yes, your Honor.

25 THE COURT: -- urges, in view of Mr. Donziger's

J6AACHEOps

1 failure to purge himself of contempt, that I should grant  
2 additional relief, such as the surrender of any passports he  
3 has, perhaps among other things. Do I have authority to do  
4 that?

5 MS. NEUMAN: Yes, your Honor.

6 THE COURT: And where does that come from?

7 MS. NEUMAN: I believe we cite the authorities in our  
8 papers and then in our original motion for contempt, the *JSC*  
9 case.

10 THE COURT: I'm sorry. I couldn't hear what you just  
11 said.

12 MS. NEUMAN: I'm sorry, your Honor. The *JSC* case.

13 THE COURT: I didn't get that.

14 MS. NEUMAN: *JSC*.

15 THE COURT: *JSC*?

16 MS. NEUMAN: Yes, your Honor.

17 THE COURT: And that refers to what?

18 MS. NEUMAN: *JSC Foreign Economic Association Techno*  
19 *Export v. International Development*, 2005 WL 1983905. That  
20 says the defendants failed to comply with the attachment order,  
21 and Judge Koeltl granted plaintiff's request for an order  
22 directing United States Marshals to seize certain property in  
23 the defendant's residences. Under *Cascade Capital LLC v. DRS*  
24 *Processing LLC*, 218 WL 4705559 at --

25 THE COURT: 218 Westlaw? That doesn't sound right.

J6AACHEOps

1 MS. NEUMAN: 2018. I'm sorry, your Honor.

2 THE COURT: OK.

3 MS. NEUMAN: -- Westlaw, WL, 4705559 at 4 (October 1,  
4 2018), ordering as a civil contempt sanction the "U.S. Marshal  
5 to secure the defendant's premises and to enable plaintiff to  
6 enter the premises and recover any pertinent information  
7 located therein, including digital devices on which any  
8 relevant information may be stored and for the order of seizure  
9 of passports, *Herbstein v. Bruetman*, B-r-u-e-t-m-a-n, 241 F.3d  
10 586-589 (7th Cir. 2001) holding that "the power to imprison a  
11 recalcitrant litigant for contempt implies the lesser power to  
12 set conditions on freedom, including ordering the surrender of  
13 one's passport."

14 THE COURT: All right. Mr. Donziger, do you want to  
15 be heard about any of that?

16 I take it you have not paid any of the fines. Right?

17 MR. DONZIGER: I wasn't certain the fines were even  
18 running. I feel like I'm in compliance. Are they running?

19 THE COURT: Of course they're running.

20 MR. DONZIGER: Sir, no. I don't have resources, sir,  
21 to pay fines. My bank accounts are frozen by them.

22 THE COURT: Well, I have no other --

23 MR. DONZIGER: Don't pretend like we're operating in a  
24 world where I have a lot of resources.

25 THE COURT: Don't accuse me of pretending anything.

J6AACHEOps

1 MR. DONZIGER: I don't have resources to pay the  
2 fines. And it really raises the larger issue, given that I  
3 don't have resources to pay the fines or the judgment, what's  
4 really going on here is there's an effort by Chevron to block  
5 me from being an advocate in terms of what's going on with  
6 enforcement of the judgment in other jurisdictions. And that  
7 violates the Second Circuit mandate. And if they're arguing my  
8 passport should be taken, which is coming sua sponte from the  
9 bench today --

10 THE COURT: Mr. Donziger, you well know that the  
11 statement you just made is false, because it's been requested  
12 in their papers at least once in the past.

13 MR. DONZIGER: I never said --

14 THE COURT: "Sua sponte" means on the court's own  
15 motion. That suggestion didn't come from me, and you know it.

16 MR. DONZIGER: I apologize. I misspoke. I didn't  
17 understand what that meant exactly. All I'm saying is it came  
18 up today when they hadn't asked for it.

19 THE COURT: Well, they did ask for it. They asked for  
20 it in the papers you were served.

21 MR. DONZIGER: In any event, the issue with the  
22 passport -- look, I can't function, not being in compliance.  
23 OK. I've been coming here for ten years now. I've shown up  
24 for the RICO trial. I've shown up for every court hearing. I  
25 have been very clear about what I do with my time, which

J6AACHEOps

1 includes trying to help my clients enforce their judgment  
2 consistent with the Second Circuit's mandate and your Honor's  
3 own decision. To deprive me of my ability to travel out of the  
4 country would essentially render me a nullity as an advocate,  
5 would render the Second Circuit decision a nullity in terms of  
6 my rights to be an advocate. And if you're going to do that --  
7 listen, if you do order that, you don't have to send marshals  
8 to my house. I will voluntarily surrender my passport until I  
9 can deal with it at the Second Circuit. But I just don't  
10 believe that would be an appropriate move. I believe it would  
11 be improper. I get your thinking with it. But it would  
12 essentially prevent me from carrying out what I believe I have  
13 a right to do under your Honor's own order and under the Second  
14 Circuit affirmance of the RICO judgment, my advocacy  
15 activities. So I would ask that you please not do that.

16 With regard to the devices, my position is clear.  
17 After you rule on the motion to vacate, please allow me a few  
18 days to file for a stay. You know, this is not unusual in  
19 post-judgment proceedings.

20 THE COURT: If you want nine months to file before me  
21 for a stay, welcome to it. But the fines are running. And any  
22 other penalties I impose will be running.

23 MR. DONZIGER: Look, I --

24 THE COURT: You have the ability to get yourself out  
25 of whatever box you're in by complying with my orders. And the

J6AACHEOps

1 United States Supreme Court says, absent a stay, you have an  
2 obligation to do that, and if you do not discharge that  
3 obligation, you do it at your own risk. And that's been clear  
4 to you for a very long time. And you disregard order after  
5 order.

6 MR. DONZIGER: And that would come at the stripping of  
7 my constitutional rights, sir. And that is why --

8 THE COURT: You have a fancy idea of your  
9 constitutional rights which this Judge has rejected in an  
10 opinion a long time ago, on grounds of waiver and on grounds of  
11 substance.

12 MR. DONZIGER: I understand that. But you would  
13 acknowledge that a trial judge is subject to review by an  
14 appellate court.

15 THE COURT: Sometimes.

16 MR. DONZIGER: And that's what I intend to do. And I  
17 say that respectfully.

18 And also I have done research on this and, granted, I  
19 don't have resources even close to the resources they do. But  
20 my research -- and I can give you a couple cases on this --  
21 indicates that in post-judgment proceedings when the decision  
22 is already over -- there's been an appellate decision affirming  
23 your Honor's RICO judgment -- the litigant has a right to take  
24 a contempt finding up as a final appeal. It is really the only  
25 way to appeal it without being -- you know, without -- the only

J6AACHEOps

1 way to really get review is to go into contempt, which is why,  
2 based on that law, I have asked for you to hold me in contempt  
3 for several months. You know, I didn't expect you to impose  
4 these enormous fines on me. But I really feel like the fines  
5 and judgment debtor proceeding are just another way to render  
6 me useless as an advocate.

7 And I think the big problem with Chevron is they're  
8 furious after all these years that the case is still going on  
9 in Canada. And I have something to do with that.

10 THE COURT: You're furious that they're pursuing their  
11 legal rights against you. I understand that. Both sides are  
12 furious.

13 MR. DONZIGER: Well, I'm not furious.

14 THE COURT: That's not news to me.

15 MR. DONZIGER: I'm not furious. I'm trying to deal  
16 with it professionally. OK. I'm trying to focus on what's  
17 important, which is, my clients are hurting and I would like  
18 them to get some sort of relief. It's way beyond me at this  
19 point, for me personally, way beyond me. And this case is not  
20 going to go away, in my opinion. It's going to continue to be  
21 enforced whether I'm involved or not. And I just think that to  
22 render me a nullity, which is what I think they're trying to  
23 do, and disable my advocacy, implicates core First Amendment  
24 rights, and to turn over those devices --

25 THE COURT: So you keep saying. I've heard that

J6AACHEOps

1 record played many times before. Now, let's end it. I'm not  
2 going to listen to it anymore. You've been fully heard on it.  
3 You have briefed it. I have issued an opinion on it. You  
4 appealed from that opinion. You filed a brief in the Second  
5 Circuit. It hasn't been calendared for argument. You never  
6 sought a stay of it. There it is.

7 You're welcome to go on to the Second Circuit and see  
8 what happens. But you take your chances in doing so.

9 All right. Anything else this morning?

10 MR. MASTRO: No, your Honor. The only thing that I  
11 wanted to say, because I know Mr. Donziger has been responding  
12 on the paragraph 5 issue, is that it is apparent what  
13 Mr. Donziger intends to do and to argue. It's apparent that he  
14 intends not to comply with paragraph 5 regardless and to argue  
15 on the most unfounded basis that -- the fact that there is a  
16 subsequent order of this Court actually deciding that issue and  
17 imposing a sanction is -- he's going to try and use the same  
18 technicality or a, quote/unquote, get-out-of-jail-free card on  
19 that contempt.

20 There are procedures with the circuit, limited remands  
21 and the like, that could eliminate --

22 THE COURT: I read your brief too. I don't have to  
23 hear that all over again.

24 MR. MASTRO: No problem, your Honor.

25 And I just want to add one last thing in response to

J6AACHEOps

1 what Mr. Donziger said. He keeps talking about his advocacy  
2 and his right to represent clients in Canada. He's been  
3 suspended from the practice of law. So things he's talking  
4 about are things that actually he's been suspended from doing  
5 here in New York.

6 THE COURT: Well, there are different kinds of  
7 advocacy.

8 Look, Mr. Donziger, just so it's entirely clear, these  
9 coercive fines that I have imposed I have made clear will  
10 evaporate if, as, and when you are in full compliance. They  
11 will be gone. I'm not sure I had to do that, but I have made  
12 that commitment. But every day that goes by -- and indeed your  
13 statements here this morning suggest to me that they're a waste  
14 of time and that if these orders are to be enforced it's going  
15 to take more than I've done up to now.

16 Now, you would be well advised, so far as paragraph 4  
17 is concerned, to work out your problems with Chevron and take  
18 care of at least that part of it, which you don't seem to be as  
19 upset about as the rest. And you did manage to finally comply  
20 with an order that's been outstanding for five years in respect  
21 of the assignment. We may come to a very hard place on  
22 paragraph 5 for you. But that's where we are. And I'm being  
23 totally straight with you.

24 MR. DONZIGER: May I just ask a very quick question  
25 about something you just said. On what basis are the fines

J6AACHEOps

1 running? Under lack of compliance with paragraph 4 or under  
2 lack of compliance with paragraph 5 or both?

3 THE COURT: Both.

4 MR. DONZIGER: So there are simultaneous fines running  
5 in your mind?

6 THE COURT: Simultaneous and cumulative.

7 OK. Thank you, folks.

8 MR. MASTRO: Thank you, your Honor.

9 MS. NEUMAN: Thank you, your Honor.

10 (Adjourned)